

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

JOSHUA FREEMAN,

Plaintiff,

v.

**WALKER COUNTY SHERIFF’S
DEPARTMENT, “DEPUTY
HANDLEY”, SGT. SLADE REEVES,
“DEPUTY RICHARDSON”, WALKER
COUNTY, ALABAMA, and
FICTITIOUS DEFENDANTS X1-X10,**

Defendants.

Case No. 6:25-cv-00388-ACA

**DEFENDANTS HANDLEY, REEVES, AND RICHARDSON’S MOTION TO
DISMISS OR IN THE ALTERNATIVE MOTION FOR MORE DEFINITE
STATEMENT**

COME NOW “Deputy Handley,” Sgt. Reeves, and “Deputy Richardson,” Defendants in the above-styled action (hereinafter referred to as the “Individual Defendants”)¹, and respectfully file this Motion to Dismiss all claims against them pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). In the alternative, Individual Defendants request this Court order Plaintiff to provide a more definite statement regarding the allegations of the Complaint pursuant to Federal Rules of Civil Procedure 12(e). As set forth in the Individual Defendants’

¹ The speculative nature of Plaintiff’s Complaint is demonstrated by the fact that he could not even provide the first names of the individual defendants.

contemporaneously filed brief, all claims against them are due to be dismissed on the following grounds:

1. With respect to Plaintiff's state-law claims as contained in Counts I, III, and V, all Individual Defendants are entitled to absolute immunity under the Alabama Constitution. It is well settled under Alabama law that sheriffs and their deputies are "immune from suit under Article I, § 14, Alabama Constitution of 1901." *Parker v. Amerson*, 519 So. 2d 442, 443 (Ala. 1987). Plaintiff's state law claims all arise from acts taken in the line and scope of the Individual Defendants' job-related duties, and are thus barred.

2. With respect to Plaintiff's federal claims as contained in Counts III, IV, and V, all individual Defendants are entitled to qualified immunity. Under *D.C. v. Wesby*, 583 U.S. 48, 63 (2018), a plaintiff must be able to show that the defendant violated a constitutional right and that this right was "clearly established;" or, in other words, that a rule of law prohibits an officer's specific conduct in the specific circumstances before him. Plaintiff here has failed to allege any violation of clearly established law with respect to any of his constitutional claims and, as such, Individual Defendants are entitled to qualified immunity.

3. In the alternative, Individual Defendants request this Court order Plaintiff to provide a more definite statement. The Complaint in this case is replete with vague allegations which refer to all Defendants collectively and even fail to

specify whether certain allegations refer to Individual Defendants or the Sheriff's Department or County. The Complaint also fails to specify which of the Individual Defendants took part in the actions alleged. As such it is difficult—bordering on impossible—for Individual Defendants to discern which allegations refer to specific Defendants and to formulate a coherent response.

WHEREFORE, THESE PREMISES CONSIDERED, Defendants “Deputy Handley,” Sgt. Reeves, and “Deputy Richardson,” hereby respectfully request that all claims against them be dismissed with prejudice pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and that judgment be awarded in their favor. In the alternative, these Defendants request that Counts I, III, IV, and V be dismissed without prejudice pursuant to Rule 12(e) and correctly pled without conclusory and speculative allegations.

Respectfully submitted this 14th day of March, 2025.

/s./J. Randall McNeill

J. RANDALL MCNEILL (ASB-4841-E29J)

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CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of March 2025, I electronically filed the foregoing with the Clerk of the Court, which will provide notice to the following CM/ECF participants:

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s/J. Randall McNeill
OF COUNSEL